

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JASON L. BATES,

Defendant.

8:20–CR–219

**ORDER GRANTING MOTION TO
WITHDRAW AND DENYING MOTION
TO REDUCE SENTENCE**

This matter is before the Court on the *pro se* Motion to Reduce Sentence filed by Defendant Jason L. Bates, [Filing 57](#), and the Motion to Withdraw filed by Assistant Federal Public Defender, Ms. Jessica L. Milburn. [Filing 59](#). After the Defendant filed his Motion to Reduce Sentence, the Office of the Federal Public Defender was appointed to represent him pursuant to General Order No. 2023-09. [Filing 58](#). The purpose of this appointment was to determine whether the Defendant qualified “for relief pursuant to either the 2023 U.S. Sentencing Guidelines amendments of [U.S.S.G. § 1B1.13](#) or [U.S.S.G. § 1B1.10](#) providing for the retroactive application of Amendment 821[.]” [Filing 58 at 1](#). Ms. Milburn has moved to withdraw as counsel because “[a]lthough, Mr. Bates has zero points in his criminal history, a firearm was involved in his offense. Mr. Bates is therefore not eligible for any sentence reduction pursuant to [U.S.S.G. § 4A1.1](#) or [U.S.S.G. § 4C1.1](#)” [Filing 59 at 1](#). The United States Probation Office also submitted a worksheet in this case which states that the Defendant is not eligible for a reduction. [Filing 60 at 1](#).

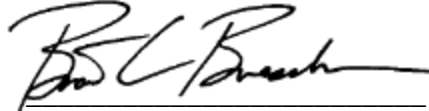
The Court has conducted its own review of the Defendant’s *pro se* Motion along with other relevant matters in the record. The Court concludes that the Defendant is not entitled to the sentencing relief he seeks. His *pro se* Motion is without merit and will be denied. The Court likewise concludes that Ms. Milburn’s Motion to Withdraw should be granted for the reasons she set forth in her Motion. Accordingly,

IT IS ORDERED:

1. Assistant Federal Public Defender Jessica L. Milburn's Motion to Withdraw, [Filing 59](#), is granted; and
2. Jason L. Bates's *pro se* Motion to Reduce Sentence, [Filing 57](#), is denied.

Dated this 24th day of May, 2024.

BY THE COURT:

A handwritten signature in black ink, appearing to read 'B. C. Buescher', written over a horizontal line.

Brian C. Buescher
United States District Judge